

# Exhibit 3

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE §  
KINGREY, and SANDRA McCOLLUM, §  
individually and as heirs at law to the Estate of §  
LARRY GENE McCOLLUM, §  
PLAINTIFFS §

v. §

CIVIL ACTION NO.  
3:12-cv-02037

BRAD LIVINGSTON, JEFF PRINGLE, §  
RICHARD CLARK, KAREN TATE, §  
SANDREA SANDERS, ROBERT EASON, the §  
UNIVERSITY OF TEXAS MEDICAL §  
BRANCH and the TEXAS DEPARTMENT OF §  
CRIMINAL JUSTICE. §  
DEFENDANTS §

**PLAINTIFFS' NOTICE OF INTENTION TO TAKE ORAL DEPOSITION OF RULE  
30(b)(6) WITNESS(ES) AND SUBPOENA DUCES TECUM**

TO: UTMB, by and through its attorney, Kim Coogan, Office of the Attorney General, P.O.  
Box 12548, Austin, TX 78711-2548, (512) 495-9139 (fax).

PLEASE TAKE NOTICE that Plaintiffs will take the oral deposition of Rule 30(b)(6)  
witness(es) knowledgeable about the topics identified in **Exhibit A** before a court reporter and  
notary public for the State of Texas, pursuant to Federal Rule of Civil Procedure 30.

The deposition will be taken at 300 West 15th Street, 7th Floor, Austin, Texas 78701, on  
May 28, 2013 at 9:00 AM and continuing thereafter until completed. The deposition will be  
recorded stenographically and/or on video. The deposition is for the purpose of discovering,  
securing, and completing testimony of Defendant UTMB.

In accordance with Rule 30, the deponent(s) is/are directed to produce at the time of the  
deposition the documents identified in **Exhibit B**.

Dated: May 14, 2014.

Respectfully submitted,



Jeff Edwards  
State Bar No. 24014406  
Scott Medlock  
State Bar No. 24044783  
Sean Flammer  
State Bar No. 24059754

The Edwards Law Firm  
The Haehnel Building  
1101 East 11th Street  
Austin, TX 78702  
Tel. 512-623-7727  
Fax. 512-623-7729  
Lead Counsel

Brian McGiverin  
State Bar No. 24067760  
James C. Harrington  
State Bar No. 09048500

TEXAS CIVIL RIGHTS PROJECT  
1405 Montopolis Drive  
Austin, TX 78741  
(512) 474-5073 [phone]  
(512) 474-0726 [fax]

Eliot Shavin  
State Bar No. 18138200  
2600 State Street  
Dallas, Texas 75204  
214-522-2010 (telephone)  
214-720-9594 (fax)  
Local Counsel

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that a true copy of this document was hand-delivered on May 14, 2014 to the following:

Bruce R. Garcia  
Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711  
*Facsimile: (512) 495-9139*

Kim Coogan  
Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711  
*Facsimile: (512) 495-9139*

Demetri Anastasiadis  
Assistant Attorney General  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711  
*Facsimile: (512) 495-9139*

A handwritten signature in black ink, appearing to read 'Jeff Edwards', written over a horizontal line.

Jeff Edwards

**EXHIBIT A**

1. UTMB's document retention policies.
2. The date and scope of any litigation holds, preservation letters, etc. that were sent from outside counsel to UTMB and/or that were communicated internally within UTMB regarding any litigation regarding the heat conditions in Texas prisons.
3. The date and scope of any litigation holds, preservation letters, etc. that were sent from outside counsel to UTMB and/or that were communicated internally within UTMB regarding any litigation regarding this case.
4. All steps taken by UTMB to preserve and retrieve electronically stored information that may be relevant to this litigation.
5. The back-up tape architecture at UTMB, including what is backed up, when it is backed up, how long those back-up tapes are retained, and how long information that is backed up is retained on back-up tapes.
6. What efforts were made to determine who the "key players" are in this case and what was done to preserve and retrieve electronically stored information in their possession, custody, or control.
7. The efforts that have been taken and can be taken to obtain any potentially relevant electronically stored information that was either manually deleted or that was purged through automatic document retention policies.
8. Whether any electronically stored information that may be relevant to this case has been deleted.
9. Whether any electronically stored information that may be relevant to this case is irretrievable.
10. What efforts can be taken to obtain any electronically stored information that has been deleted.
11. The identity of any electronically stored information that has been deleted or that is irretrievable.
12. The physical location of electronically stored information that may be relevant to this case.
13. All efforts taken concerning the preservation of electronically stored information related to heat-related illnesses of inmates in TDCJ prison facilities where inmates are housed in non air-conditioned areas.

14. All efforts taken concerning the preservation of electronically stored information related to incidents where inmates have died from heat-related causes in TDCJ prison facilities where inmates are housed in non air-conditioned areas.

**EXHIBIT B**

1. All documents you have reviewed in preparation for your deposition.
2. All documents concerning any document preservation efforts (including the preservation of electronically stored information) related to this litigation.
3. All documents concerning document retrieval (including the retrieval of electronically stored information) related to this litigation.
4. All documents concerning the preservation and/or retrieval of electronically stored information related to this case.
5. All documents concerning the preservation and retrieval of electronically stored information related to heat-related illnesses of inmates in TDCJ prison facilities where inmates are housed in non air-conditioned areas.
6. All documents concerning the preservation and retrieval of electronically stored information related to incidents where inmates have died from heat related causes in TDCJ prison facilities where inmates are housed in non air-conditioned areas.